

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS ANTHONY JONES,

Petitioner,

v.

CASE NO. 07-CV-10917

HONORABLE JOHN CORBETT O'MEARA

THOMAS BIRKETT,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL**

Before the Court is Petitioner's motion for appointment of counsel. Petitioner, a Michigan prisoner, has filed a petition for writ of habeas corpus challenging his convictions for second-degree murder and possession of a firearm during the commission of a felony which were imposed following a jury trial in the Calhoun County Circuit Court in 1993. He was sentenced to consecutive terms of 20 to 30 years imprisonment and two years imprisonment. In his motion, Petitioner seeks appointment of counsel alleging that he is unable to afford counsel, that the issues in his case are complex, and that his claims are meritorious. Respondent has not yet filed an answer to the petition.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir.

1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Having conducted an initial review of the pleadings, the Court finds that neither an evidentiary hearing nor discovery are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8©. Thus, the Court **DENIES** Petitioner's motion for appointment of counsel.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Dated: July 9, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 9, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager